

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHARLES A. SHAW, JR.,

Plaintiff,

v.

ORDER
01-CV-179

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1), on August 10, 2001. On November 20, 2001, defendant filed a motion for judgment on the pleadings. On April 3, 2003, plaintiff filed a memorandum in support of his motion for judgment on the pleadings. On January 9, 2006, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that the defendant's motion for judgement on the pleadings be granted and that plaintiff's motion for judgment on the pleadings be denied.

Plaintiff filed objections to the Report and Recommendation, pro se, on January 27, 2006. The defendant filed a response thereto on March 8, 2006.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which

objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendant's motion for judgment on the pleadings is granted and plaintiff's motion for judgment on the pleadings is denied. the Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: March 14 , 2006